

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
	:	
v.	:	
	:	Civil No. 2:09-CV-10881
RONALD S. BARCZYK, and	:	HON. GEORGE CARAM STEEH
DEBORAH A. BARCZYK, et al.	:	MAG. JUDGE R. STEVEN WHALEN
Defendants.	:	

AMENDED ORDER OF SALE

United States' Motion to Correct Order of Sale is hereby GRANTED.

This Court entered final judgment in this action to enforce federal tax and judgment liens on March 24, 2010, and now orders that the real property located at 6091 Niles Drive, Troy, Michigan, 48098 (the "Property") be sold. (Docket No. 35). The legal description of the Property located at 6091 Niles Drive, Troy, Michigan, 48098, is as follows:

Lot 10, Starr's Re-subdivision of Lots 10, 11, 12 of Troy Acres
Subdivision, as recorded in Liber 16, Page 15 of plats, Oakland
County Records

Pursuant to 28 U.S.C. §§ 2001 and 2002, and 26 U.S.C. § 7403, the Court now ORDERS, that the Property be sold as follows:

1. The Internal Revenue Service ("IRS") Property Appraisal and Liquidation Specialists ("PALS"), is authorized to offer for public sale and to sell the Property.
2. The terms and conditions of the sale are as follows:
 - a. The sale of the Property shall be free and clear of the interests of all parties to this action;

- b. The sale shall be subject to building lines, if established, all laws, ordinances, and governmental regulations (including building and zoning ordinances) affecting the Property, and easements and restrictions of record, if any;
- c. The sale shall be held either at the courthouse of the county or city in which the Property is located or on the Property's premises;
- d. The PALS shall announce the date and time for the sale;
- e. Notice of the sale shall be published once a week for at least four consecutive weeks before the sale in at least one newspaper regularly issued and of general circulation in Oakland County, and, at the discretion of PALS, by any other notice PALS deems appropriate. **State law notice requirements for foreclosure or execution sales do not apply to this sale, which is proceeding under federal law.** The notice shall contain an adequate description of the property, but need not contain the full legal description, and shall contain the terms and conditions of sale set forth in this Order of Sale;
- f. The PALS shall set the minimum bid for the Property. If the minimum bid is not met or exceeded, the PALS may, without further permission of this Court, and under the terms and conditions of this Order of Sale, hold a new public sale and, if necessary, reduce the minimum bid;
- g. At the time of the sale, the successful bidder shall deposit with the PALS, by money order or certified or cashier's check payable to the Clerk of the United States District Court for the Eastern District of Michigan, a deposit in an amount between five (5) and twenty (20) percent of the minimum bid as specified by the PALS in the published notice of sale. Before being permitted to bid at the sale, potential bidders

shall display to the PALS proof that they are able to comply with this requirement.

No bids will be accepted from any person(s) who have not presented proof that, if they are the successful bidder, they can make the deposit required by this Order of Sale;

- h. The successful bidder(s) shall pay the balance of the purchase price for the Property within forty-five (45) days following the date of the sale. The certified or cashier's check payable to the United States District Court for the Eastern District of Michigan shall be given to PALS who will deposit the funds with the Clerk of this Court. If the bidder fails to fulfill this requirement, the deposit shall be forfeited and shall be applied to cover the expense of the sale, with any amount remaining to be applied to the liabilities of Ronald S. Barczyk at issue herein. The Clerk shall distribute the deposit as directed by the PALS. The Property shall be again offered for sale under the terms and conditions of this Order of Sale, or in the alternative, sold to the second highest bidder;
- i. The Clerk of the District Court is directed to accept the deposits and proceeds of the sale and deposit them into the Court's registry for distribution pursuant to further order of this Court;
- j. The sale of the Property shall be subject to confirmation by this Court. On confirmation of the sale, the Internal Revenue Service shall execute and deliver its deed conveying the Property to the purchaser. On confirmation of the sale, all interests in, liens against, or claims to the Property that are held or asserted by all parties to this action are discharged and extinguished. **Redemption rights under state law shall not apply to this sale under federal law;**

- k. When this Court confirms the sale, the office of the Clerk – Register of Deeds for the County of Oakland, Pontiac, Michigan shall cause the transfer of the Property to be reflected upon that county's Register of Deeds. The successful bidder at the sale shall pay, in addition to the amount of the bid, any document stamps and the Clerk's registry fees as provided by law;

3. Pending the sale of the Property and until the deeds to the Property are delivered to the successful bidder(s), the PALS is authorized to have free access to the premises in order to take any and all actions necessary to preserve the Property, including, but not limited to, retaining a locksmith or other person to change or install locks or other security devices on any part of the Property;

4. Until the Property is sold, Ronald S. Barczyk and Deborah A. Barczyk shall take all reasonable steps to preserve the Property (including all buildings, improvements, fixtures, and appurtenances on the Property) in their current condition including, without limitation, maintaining a fire and casualty insurance policy on the Property. Ronald S. Barczyk and Deborah A. Barczyk shall neither commit waste against the Property nor cause nor permit anyone else to do so. Ronald S. Barczyk and Deborah A. Barczyk shall not record any instruments, publish any notice, or take any other action (such as running newspaper advertisements, posting signs, or making internet postings) that may directly or indirectly tend to deter or discourage potential bidders from participating in the public auction, nor shall it cause or permit anyone to do so. Violation of this paragraph shall be deemed contempt of court.

5. **All persons occupying the Property shall vacate the Property permanently within sixty (60) days of the date of this Order, or at another date as agreed in writing by the**

United States, each taking with them his or her personal property (but leaving all improvements, buildings, fixtures, and appurtenances to the Property). If any person fails or refuses to timely vacate the Property as specified in this paragraph, the PALS are authorized to coordinate with the United States Marshal to take all actions that are reasonably necessary to have those persons ejected. The United States Marshals Service is authorized and directed to take any and all necessary actions, including but not limited to the use of reasonable force, to enter and remain on the premises, which includes, but is not limited to, the land, buildings, vehicles, and any other structures located thereon, for the purpose of executing this Order. The United States Marshals Service is further authorized and directed to arrest or evict from the premises any persons who obstruct, attempt to obstruct, or interfere or attempt to interfere, in any way with this Order.

6. Any personal property remaining on the Property after the vacating date specified by this Order in paragraph 5, above, is deemed forfeited and abandoned. The PALS is authorized to dispose of it in any manner they see fit, including sale, in which case the proceeds of the sale are to be applied first to the expense of the sale and the balance to be paid to the Court for further distribution. Checks for the purchase of personal property shall be made out to the Clerk of the District Court for the Eastern District of Michigan, and the Clerk is directed to accept these checks and deposit them into the Court's registry for distribution pursuant to further order of this Court.

7. After the Court confirms the sale, the proceeds of sale of the Property shall be distributed to the parties in the following order of priority until the proceeds are exhausted:

- a. First, to the Internal Revenue Service Property Appraisal and Liquidation Specialists, payable to the United States Treasury, for the expenses of the sale, including

any expenses incurred and paid to secure or maintain the Property pending sale and confirmation by the Court;

b. Second, to the Oakland County Treasurer on account of any delinquent property taxes;

c. Third, one half of the remaining proceeds, to Deborah Barczyk in satisfaction of her entire interest in the Property.

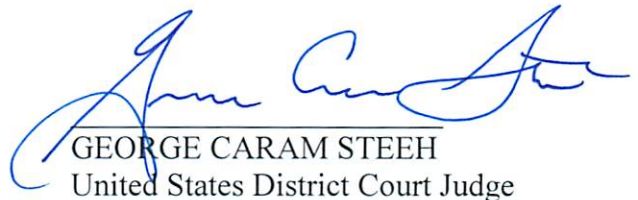
d. Fourth, to the United States to be applied to the federal income tax debt, interest, and statutory additions of Ronald S. Barczyk for taxable years 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, and 2006.

e. The remaining sale proceeds, if any, to be distributed pursuant to further order of the Court.

IT IS SO ORDERED.

Dated:

7-13-15



GEORGE CARAM STEEH
United States District Court Judge